

### **REMARKS**

This paper responds to the Office Action mailed October 6, 2004 for the above-identified Application. This response cancels claims 18, 38, 60-73, 98-112, and 115-122, amends claims 39-46 and 48, and adds new claims 123-132. Consequently, claims 39-49, 113, 114, and 123-132 remain pending in the Application.

The Specification is amended to correct typographical errors, as pointed out in the Office Action.

Claim 39 is amended as recommended in the Office Action, to cure the objection to the definition therein.

Claim 48 is amended as recommended in the Office Action, to correct the mistaken interchange of axes for the second beam splitter. This overcomes the rejection under 35 USC §112 ¶2.

These amendments do not introduce any new matter prohibited by 35 USC §132, nor do they narrow the scope of the claims.

### **Claim Rejections Under 35 USC §102**

Claims 45, 47, and 49 were rejected under 35 USC §102(b) as anticipated by Kelly (US Patent 2,985,258).

Kelly's polarizing beam splitters P1 and P2 in Fig. 3 are positioned parallel to each other, whereas Applicant's splitters 520 and 540 (Fig. 5) are not. Claim 45 is amended to recite that the second polarizing beam splitter is not only positioned nonorthogonally to the first splitter, but is also positioned "nonparallel" thereto. All of Kelly's polarizing splitters are either orthogonal or parallel, for proper registration of the multiple modulator CRTs (M, Y, C in Fig. 3).

Claims 47 and 49 depend from claim 45, and thus inherit all its recitations, and include further features as well. For example, claim 49 declares that the first and second beam splitters are positioned "at an acute angle" to each other. The Office Action asserts that this term includes zero degrees (i.e., parallel). Parent claim 45 now states that the splitters are nonparallel, resolving any possible ambiguity.

### **Claim Rejections Under 35 USC §103**

Claims 38-40 were rejected under 35 USC §103(a) as unpatentable over Mukawa (US Patent 6,331,916), in view of Official Notice.

Claim 38 is canceled, avoiding the rejection. Claims 39 and 40 are reassigned to a parent claim that has been found allowable.

### **Allowable Subject Matter**

Claims 41-44, 46, 48, 113, and 114 were found to define allowable subject matter if rewritten to include all limitations of their base and intermediate claims.

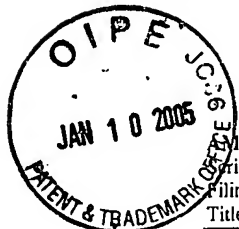
Claim 41 is so rewritten. Claims 39 and 40 are reassigned to depend from this allowable claim. New claim 25 depends from this allowable claim.

Claim 42 is also rewritten in independent form. New claims 123-125 depend from claim 42.

Claim 44 is rewritten in independent form. New claims 126-128 depend therefrom.

Claim 46 is amended to independent form. Newly presented claims 129 and 130 depend therefrom.

Finally, claim 48 is amended to independent form, and new claims 131 and 132 depend therefrom.



AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 10/618,254

Filing Date: July 11, 2003

Title: OPTICAL DEVICES EMPLOYING BEAM FOLDING WITH POLARIZING SPLITTERS

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Dkt: 256.056US2

### Conclusion

For the above and other reasons, Applicant urges that the claims meet all statutory requirements. Re-examination and allowance is respectfully requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6971 if deemed helpful to facilitate prosecution of this Application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6 day of January, 2005.

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